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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

SUSAN BITTER SMITH - Chairman

BOB STUMP

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Arizona Corporation Commission

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2015 MAY -7 P 3:36

AZ CORP COMMISSION
DOCKET CONTROL

MAY 07 2015

IN THE MATTER OF:

DOCKETED BY

DOCKET NO. S-20906A-14-0063

CONCORDIA FINANCING COMPANY, LTD,
a/k/a "CONCORDIA FINANCE,"

ER FINANCIAL & ADVISORY SERVICES, LLC,

LANCE MICHAEL BERSCH, and

DAVID JOHN WANZEK and LINDA WANZEK,
husband and wife.

Respondents.

ORIGINAL

FOURTEENTH
PROCEDURAL ORDER
(Schedules Hearing)**BY THE COMMISSION:**

On February 27, 2014, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing Regarding Proposed Order to Cease and Desist, Order for Restitution, Order for Administrative Penalties, and Order for Other Affirmative Action ("Notice") against Concordia Financing Company, Ltd, a/k/a Concordia Finance ("Concordia"), ER Financial & Advisory Services, LLC ("ER"), Lance Michael Bersch, and David John Wanzek and Linda Wanzek, husband and wife (collectively "Respondents"), in which the Division alleged multiple violations of the Arizona Securities Act ("Act") in connection with the offer and sale of securities in the form of investment contracts and promissory notes within or from Arizona.

The spouse of David John Wanzek, Linda Wanzek ("Respondent Spouse"), is joined in the action pursuant to A.R.S. § 44-2031(C) solely for the purpose of determining the liability of the marital community.

The Respondents were duly served with copies of the Notice.

1 On March 6, 2014, Respondents ER, Lance Michael Bersch and David John Wanzek filed a
2 Request for Hearing. On March 14, 2014, Respondent Linda Wanzek filed a Request for Hearing.

3 On March 17, 2014, by Procedural Order, a pre-hearing conference was scheduled for April
4 10, 2014.

5 On March 26, 2014, Respondent Concordia filed a Request for Hearing.

6 On March 27, 2014, by Procedural Order, the pre-hearing conference scheduled for April 10,
7 2014, was affirmed, with notice issued to Respondent Concordia.

8 On April 4, 2014, Respondents ER, Lance Michael Bersch, David John Wanzek, and Linda
9 Wanzek (collectively the "ER Respondents") filed a Motion to Dismiss and Answer ("Motion").

10 On April 9, 2014, Respondent Concordia filed an Answer.

11 On April 10, 2014, at the pre-hearing conference, the parties appeared through counsel and
12 requested oral argument regarding the Motion to Dismiss. The parties further proposed a schedule
13 for filing motions prior to oral argument.

14 On April 15, 2014, by Procedural Order, oral argument and a status conference were
15 scheduled to commence on May 21, 2014. It was further ordered that Respondent Concordia shall
16 file any Motion to Dismiss by April 25, 2014, the Division shall file its Response to the Motions to
17 Dismiss by May 9, 2014, and the Respondents shall file any Reply by May 16, 2014.

18 On April 25, 2014, Respondent Concordia filed its Joinder to Motion to Dismiss of
19 Respondents ER Financial & Advisory Services, LLC, Lance Michael Bersh, David John Wanzek
20 and Linda Wanzek.

21 On May 5, 2014, Respondents ER, Lance Michael Bersch, David John Wanzek, and Linda
22 Wanzek filed Acknowledgments of Possible Conflicts.

23 On May 9, 2014, the Division filed its Response to Motion to Dismiss by All Respondents
24 ("Response").

25 On May 16, 2014, Respondents ER, Lance Michael Bersch, David John Wanzek, and Linda
26 Wanzek filed their Reply in Support of Motion to Dismiss ("Reply").

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1 On May 21, 2014, oral argument and a status conference were held. The parties appeared
2 through counsel and oral argument was presented. The Motion was taken under advisement and a
3 schedule was proposed for the parties to submit supplemental citations.

4 On May 22, 2014, the Division filed its Supplemental Citation of Authorities.

5 On May 29, 2014, Respondents Concordia, ER, Lance Michael Bersch, David John Wanzek,
6 and Linda Wanzek filed their Joint Supplemental Citation of Authorities.

7 On August 13, 2014, by Procedural Order, it was found that the Respondents had not
8 established dismissal to be appropriate and that it was necessary and proper to proceed with the
9 Respondents' request for a hearing. Accordingly, a prehearing conference was scheduled on
10 September 2, 2014.

11 On September 2, 2014, a pre-hearing conference was held. The parties appeared through
12 counsel. The scheduling of a hearing was discussed. Counsel for the ER Respondents stated they
13 would be filing a special action regarding the motion to dismiss. Counsel for the ER Respondents
14 requested that part of the hearing be held in the Lake Havasu area to accommodate witnesses for the
15 ER Respondents. This request was denied. After much discussion, a commencement date for the
16 hearing was agreed to by the parties.

17 On September 2, 2014, by Procedural Order, a hearing was scheduled to commence on May
18 11, 2015.

19 On January 5, 2015, the Division filed a Motion to Quash Discovery Demands by the ER
20 Respondents. The Division asserted that on November 24, 2014, the Division was served by the ER
21 Respondents with a "First Request for Production of Documents," a "First Set of Non-Uniform
22 Interrogatories," a "First Set of Requests for Admissions," a "Notice of 30(b)(6) Deposition," and a
23 "Notice of Deposition of Gary R. Clapper." The Division contended that the discovery demands by
24 the ER Respondents should be quashed because: discovery in this proceeding is governed by the
25 Administrative Procedure Act and the Commission's Rules, not the Arizona Rules of Civil
26 Procedure; the ER Respondents have not demonstrated a reasonable need for the information they
27 demand; the discovery demands include information and documents that are privileged and/or made
28 confidential by statute; and the discovery demands are unreasonably overbroad, unduly burdensome

1 and oppressive.

2 On January 26, 2015, by Procedural Order, the Division's Motion to Quash Discovery
3 Demands was granted. In light of the ER Respondents' efforts to obtain discovery, the parties'
4 exchange of witness lists and copies of exhibits was accelerated.

5 Later that day, the ER Respondents filed a Response to the Division's Motion to Quash. The
6 ER Respondents contended that: the Commission's Rules allow for broad discovery; discovery is not
7 barred by either the Administrative Procedure Act or statutory confidentiality; the ER Respondents
8 have a reasonable need for, and a constitutional right to, discovery; the requested documents are not
9 privileged or work product; and the discovery is not burdensome. The ER Respondents also
10 requested oral argument on the matter.

11 On January 27, 2015, by Procedural Order, oral argument was scheduled to be held on
12 February 11, 2015. Later that day, the Division filed a Notice of Intent to File Reply in Support of
13 Motion to Quash Discovery Demands by the ER Respondents.

14 On February 3, 2015, the Division filed its Reply in Support of Motion to Quash Discovery
15 Demands by the ER Respondents. The Division argued that: the ER Respondents have not properly
16 sought discovery as provided under the Administrative Procedure Act and the Commission's rules;
17 the Arizona Rules of Civil Procedure do not apply to discovery in this proceeding; prior procedural
18 orders and Commission decisions cited by the ER Respondents can be distinguished or otherwise fail
19 to support ordering the discovery sought; the ER Respondents have not demonstrated a reasonable
20 need for the discovery sought; many of the documents sought are protected work product; and the
21 discovery sought is confidential under A.R.S. § 44-2042(A).

22 On February 5, 2015, the Division filed a Notice of Errata Regarding its Reply in Support of
23 Motion to Quash Discovery Demands by the ER Respondents.

24 On February 10, 2015, ER Respondents filed a Motion to Compel seeking discovery from
25 Respondent Concordia and requesting oral argument. The ER Respondents contend that the
26 Commission's rules allow broad discovery; their requests for production of documents are specific
27 and not overbroad or burdensome; Concordia is the custodian of its own records; and a subpoena is
28 not required as Concordia is a party to this proceeding. The ER Respondents further attached an

1 affidavit from Respondent David John Wanzek responding to Concordia's communicated demand for
2 a sworn statement as to the ER Respondents' claims that they returned files to Concordia and that Mr.
3 Bersch and Mr. Wanzek were privy to attorney-client communications between Concordia and its
4 counsel.

5 On that same day, counsel for ER Respondents filed a Notice of Change of Law Firm and
6 Notice of Association with Counsel.

7 On February 11, 2015, oral argument was held. The parties appeared through counsel. The
8 Division and the ER Respondents presented oral argument in favor of their respective positions on
9 the ER Respondents' requests for discovery. In light of the approaching commencement date of the
10 hearing, the presiding Administrative Law Judge ruled from the bench, finding that while the
11 Administrative Procedure Act applies, fairness dictates that in this case the Division more promptly
12 provide the Respondents with certain documents in its possession. Though the prior order quashing
13 the ER Respondents' discovery requests was affirmed, the Division was directed to disclose to the
14 Respondents, by February 26, 2015, the contracts it intends to submit as evidence of the 446 alleged
15 investments. The Division contended that it may not have contracts for all 446 of the alleged
16 investments and that the time required for redaction of this many documents might make it difficult
17 to meet the disclosure deadline. The Administrative Law Judge directed the Division to prioritize
18 those contracts involving the ER Respondents and permitted the Division to disclose by March 12,
19 2015, any contracts which, after a good faith effort, are not ready by February 26, 2015.
20 Additionally, the Division was directed to disclose the transcript from the examination under oath of
21 Respondent Lance Michael Bersch, and the exhibits used therein, by February 26, 2015. The
22 documents ordered to be disclosed by February 26, 2015, are all documents Division counsel stated
23 he planned to use at hearing and, therefore, would have been subject to disclosure by the March 12,
24 2015 scheduled exchange of exhibits and witness lists.

25 On February 13, 2015, by Procedural Order, the Division was directed to disclose documents
26 to the Respondents as set forth at by the Administrative Law Judge at oral argument on February 11,
27 2015.

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1 On February 17, 2015, the ER Respondents filed an Application for Administrative Subpoena
2 requesting a subpoena for the deposition of anticipated Division witness Gary R. Clapper. The ER
3 Respondents also filed an Application for Administrative Subpoena requesting a subpoena for the
4 deposition of an Expert Accounting Witness to be designated by the Securities Division.

5 On March 6, 2015, the ER Respondents filed a Notice of Filing Affidavits of Service.

6 On March 9, 2015, by Procedural Order, a telephonic status conference was scheduled to
7 convene on March 16, 2015. The purpose of the status conference was to address whether the ER
8 Respondents continued to seek the production of further documents from Respondent Concordia in
9 light of the upcoming deadline for disclosure of exhibits and witness lists.

10 On March 11, 2015, Respondent Concordia filed its Motion to Extend Time to Exchange List
11 of Witnesses and Exhibits. Respondent Concordia requested an extension of the deadline to
12 exchange its List of Witnesses and Exhibits to March 20, 2015, based upon counsel for Concordia's
13 upcoming depositions and injunction hearings in matters unrelated to this case. In the motion,
14 counsel for Concordia noted that counsel for the ER Respondents had been contacted and would not
15 agree to an extension.

16 On March 12, 2015, the ER Respondents filed a Response in Opposition to Motion to Extend
17 Time to Exchange List of Witnesses and Exhibits. The ER Respondents opposed the motion for the
18 stated reasons that the hearing is imminent and the information is necessary for their defense.

19 Later on March 12, 2015, Respondent Concordia filed its List of Witnesses and Exhibits. The
20 ER Respondents also filed a Notice of Service of List of Witnesses and Exhibits.

21 On March 16, 2015, a telephonic status conference was held. The parties appeared through
22 counsel. The ER Respondents clarified which documents they continued to seek from Concordia.
23 Counsel for Concordia indicated the Respondents may be able to resolve the issue among themselves
24 within a couple weeks as Concordia needed time to prepare financial statements and ready board
25 minutes for disclosure. The Respondents agreed to work toward resolving the discovery issues raised
26 in the ER Respondents' Motion to Compel pending another status conference, and they further agreed
27 to include the Division in the discovery process.

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1 It was further determined at the status conference that Concordia's Motion to Extend Time to
2 Exchange List of Witnesses and Exhibits had been rendered moot by Concordia's filing of a List of
3 Witnesses and Exhibits, though Concordia may supplement its exhibits and witness lists based upon
4 ongoing discovery. Also discussed was the Division's intent to amend the Notice of Opportunity to
5 include Linda Wanzek as a participant, as opposed to being joined solely for determining the liability
6 of the marital community. The Division agreed to file a motion to amend the Notice of Opportunity.
7 The Division also stated its intent to file a motion to quash the scheduled depositions of Gary Clapper
8 and an expert accounting witness. A schedule was determined for motion practice and oral argument
9 on the motion to quash.

10 On March 18, 2015, by Procedural Order, oral argument was scheduled for April 2, 2015, to
11 address the issue of the Division's motion to quash. A status conference regarding Concordia's
12 production of discovery was set for the same time.

13 On March 20, 2015, the Division filed a Motion to Quash Subpoenas, or in the Alternative,
14 Motion for a Procedural Order Limiting the Scope of Subpoenas. The Division contended that the
15 subpoenas should be quashed as they did not comply with the Administrative Procedure Act and the
16 Respondents now have the documents and information they claim they needed. In the alternative, the
17 Division argued that the scope of the depositions should be limited to only that information the ER
18 Respondents specifically identified in their Applications for Subpoenas.

19 On March 27, 2015, the ER Respondents filed a Response to the Securities Division's Motion
20 to Quash Subpoenas. The ER Respondents contended that the subpoenas complied with the
21 Commission's rules and the Administrative Procedure Act, that the ER Respondents have a
22 reasonable need for the depositions, and that the scope of the depositions should not be limited.

23 On that same day, the ER Respondents also filed a copy of a letter sent to counsel for the
24 Division. The letter was identified as an objection to the Division's investigative subpoenas for
25 Respondents David and Linda Wanzek. The ER Respondents noted that the Division has contended
26 in the past that an Administrative Law Judge lacks the power to quash an investigative subpoena.
27 However, the ER Respondents stated they filed a copy of the letter as a record of their objections.

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1 On April 1, 2015, the Division filed its Reply in Support of Motion to Quash Subpoenas, or in
2 the Alternative, Motion for a Procedural Order Limiting the Scope of Subpoenas. The Division
3 argued that the subpoenas should be quashed because there is no finding in the record that the ER
4 Respondents have demonstrated a reasonable need for the deposition testimony, the applications for
5 subpoena were deficient and misleading as the ER Respondents have now identified additional
6 matters for discovery beyond those stated in the applications, and the ER Respondents have received
7 all the documents and information they claimed to need. In the alternative, the Division argued that
8 the scope of the subpoenas should be limited based upon: the matters for which the ER Respondents
9 have established a reasonable need pursuant to the Administrative Procedure Act; the Division's
10 deliberative process and attorney-client privileges; and the Securities Act's confidentiality statute,
11 A.R.S. § 44-2042(A).

12 On April 2, 2015, a status conference and oral argument were held. The parties appeared
13 through counsel. Counsel for the Respondents stated that Respondent Concordia is in the process of
14 preparing requested documents for disclosure to the ER Respondents. Respondent Concordia
15 asserted that some documents are likely in the possession of the Division, having been obtained from
16 the State of California following proceedings conducted there, and could be more easily obtained
17 from the Division. The Division asserted that the Securities Act's confidentiality statute applied, but
18 noted that it would make available supporting documentation used by the Division's accountant in
19 creating his Financial Data Summary.

20 The Division and the ER Respondents presented oral argument in favor of their respective
21 positions on the Division's Motion to Quash Subpoenas, or in the Alternative, Motion for a
22 Procedural Order Limiting the Scope of Subpoenas. Having considered the written and oral
23 arguments presented by the parties, as well as the statutes, rules and other authority cited therein, the
24 presiding Administrative Law Judge ruled from the bench and quashed the two subpoenas pursuant to
25 A.A.C. R14-3-109(O). The Administrative Law Judge found that the Administrative Procedure Act
26 applies and therefore, the ER Respondents must establish reasonable need for the information sought
27 in the depositions. In finding that the ER Respondents did not have reasonable need to proceed with
28 the depositions, the Administrative Law Judge noted: the numerous documents disclosed by the

1 Division as exhibits subsequent to the issuance of the subpoenas; the forthcoming disclosure by the
2 Division of the documents used by the accountant; the effect of these disclosed documents upon any
3 current reasonable need for the depositions regarding those six areas specifically identified in the ER
4 Respondents' Application for Subpoenas; and the schedule of the hearing, which will allow the ER
5 Respondents additional time before presenting their case, thereby overcoming any surprise that may
6 arise during the Division's presentation of its case in chief.

7 On April 3, 2015, by Procedural Order, the two subpoenas commanding attendance of the
8 Division witnesses for depositions were quashed, as decided at the April 2, 2015 status conference.
9 The Division was ordered to disclose by April 15, 2015, the supporting documentation relied upon by
10 the Division's accountant in creating his Financial Data Summary. The Respondents were further
11 ordered to continue to work toward resolving outstanding discovery issues arising from the ER
12 Respondents' Motion to Compel.

13 On April 17, 2015, the ER Respondents filed a Motion to Continue Hearing. The reason for
14 seeking a continuance was due to health conditions of Respondent Lance Michael Bersch. The ER
15 Respondents requested that a status conference be set in about six months with the ER Respondents
16 to file a status report at least 21 days before the status conference.

17 On April 22, 2015, by Procedural Order, a status conference was scheduled for April 28,
18 2015, to address the ER Respondents' Motion to Continue Hearing.

19 On April 24, 2015, Respondent Concordia filed its Response to Motion to Continue.
20 Respondent Concordia had no objection to the continuance requested by the ER Respondents.

21 On April 24, 2015, the Division filed a Motion for Leave to File Amended Notice of
22 Opportunity for Hearing Regarding Proposed Order to Cease and Desist, Order for Restitution, Order
23 for Administrative Penalties, and Order for Other Affirmative Action. The Division sought leave to
24 amend its Notice of Opportunity for Hearing to provide greater detailed factual allegations and to
25 expound upon the fraud allegations from the original Notice.

26 Also on April 24, 2015, the Division filed its Response to the Motion to Continue Hearing.
27 The Division contended that the ER Respondents' Motion to Continue should be denied as the ER
28 Respondents have failed to provide sufficient information to justify a postponement due to illness.

1 However, the Division proposed a three month continuance of the hearing if leave is granted to
2 amend the Notice of Opportunity.

3 On April 28, 2015, a telephonic status conference was held. The parties appeared through
4 counsel. The ER Respondents' Motion to Continue and the Division's Motion for Leave to File
5 Amended Notice were both discussed. It was also noted that a hearing was scheduled to convene in
6 Superior Court on April 29, 2015, regarding a Motion to Stay Administrative Hearing filed by
7 Respondents Bersch, Wanzek and Mrs. Wanzek, pursuant to their Notice of Appeal of the final
8 judgment in the special action. A schedule was set for the filing of motions which would be
9 addressed at a future status conference. The parties also agreed to vacate the scheduled hearing
10 commencing on May 11, 2015.

11 On April 28, 2015, by Procedural Order, a status conference was scheduled to be held on May
12 7, 2015, to address the pending motions and schedule a hearing date. The Procedural Order further
13 set deadlines for the filing of responses and replies regarding the pending motions. The Procedural
14 Order also vacated the hearing scheduled to commence on May 11, 2015.

15 On April 29, 2015, the Division filed a Status Report Regarding the Superior Court Hearing
16 on Motion to Stay Administrative Case Pending Appeal. The Division reported that the Superior
17 Court hearing on the Motion to Stay Administrative Hearing did not occur as scheduled on April 29,
18 2015. The Division stated that the hearing was rescheduled for May 4, 2015.

19 On May 4, 2015, the ER Respondents filed a Reply in Support of Motion to Continue
20 Hearing. The ER Respondents provided additional information regarding the medical condition of
21 Respondent Bersch. Included as an exhibit to the reply was a letter from Mr. Bersch's doctor, who
22 projected a recovery date for Mr. Bersch of July 15, 2015.

23 On that same date, the ER Respondents also filed a Response to Securities Division's Motion
24 for Leave to File Amended Notice of Opportunity. The ER Respondents stated no objection to
25 granting the Division leave to amend the Notice. The ER Respondents noted they would need
26 additional time to address the new allegations. The ER Respondents further stated that they would
27 reserve: the right to challenge the sufficiency of the new allegations by motion to dismiss; the right to
28 include affirmative defenses, cross-claims, counterclaims or third party claims with their answer to

1 the amended notice; and the right to review discovery related to the new allegations.

2 Also on May 4, 2015, the Division filed a Status Report Regarding the Superior Court
3 Hearing on Motion to Stay Administrative Case Pending Appeal. The Division noted that the Court
4 ruled from the bench and denied the Motion to Stay Administrative Hearing Pending Appeal. The
5 Division stated, however, that the Court issued a temporary 30-day stay that would apply only to an
6 evidentiary hearing before the Commission and not to the procedural conference set for May 7, 2015.

7 On May 5, 2015, Respondent Concordia filed its Response to Motion for Leave to File
8 Amended Notice of Opportunity. Respondent Concordia stated that it had no objection to the
9 Division's motion.

10 On May 6, 2015, the Division filed a Motion to Take Official Notice of the Superior Court's
11 Minute Entry Denying Motion to Stay Administrative Case Pending Appeal. The Division attached
12 as an exhibit a copy of the Superior Court's May 4, 2015 minute entry in Maricopa County Superior
13 Court Case No. LC2014-000415-001. In denying the request for stay, the Court found that the
14 Plaintiffs had failed to demonstrate: (1) a likelihood of success on the merits, (2) that they would be
15 irreparably harmed if a stay is not granted, (3) that a stay would not injure the opposing party, and (4)
16 that a stay furthers the public interest. The Court did order a temporary stay of thirty days, or until
17 June 3, 2015, to apply to the Court of Appeals for a stay of the administrative hearing.

18 On May 7, 2015, a telephonic status conference was held as scheduled. The parties appeared
19 through counsel. Without objection by the Respondents, the Administrative Law Judge took official
20 notice of the May 4, 2015 minute entry in Maricopa County Superior Court Case No. LC2014-
21 000415-001. The parties agreed that the temporary stay ordered by the Court did not preclude
22 present action on the pending motions and the scheduling of a hearing date after June 3, 2015.
23 Without objection, the Division's Motion for Leave to File Amended Notice of Opportunity was
24 granted. Discussion was held regarding the scheduling of the hearing and a new hearing date was
25 agreed upon. Based upon the new hearing date and the projected recovery time for Mr. Bersch, the
26 ER Respondents acknowledged that their April 17, 2015 Motion to Continue Hearing was now moot.
27 The ER Respondents also acknowledged that they no longer had any discovery issues with regard to
28 Respondent Concordia, as raised originally in the ER Respondents Motion to Compel filed on

1 February 10, 2015. The parties acknowledged that, in light of the soon to be filed amended Notice,
2 the ER Respondents would reserve their prior arguments as set forth in their April 4, 2014 Motion to
3 Dismiss and Answer.

4 Accordingly, a hearing should be scheduled.

5 IT IS THEREFORE ORDERED that a **hearing shall be held commencing on August 5,**
6 **2015, at 10:00 a.m., at the Commission's offices, 1200 West Washington Street, Hearing Room**
7 **No. 2, Phoenix, Arizona.**

8 IT IS FURTHER ORDERED that the parties shall also set aside August 6-7, 10-14, 17 and
9 19-21, 2015, for additional days of hearing, if necessary.

10 IT IS FURTHER ORDERED that, if necessary, the Division and Respondents shall
11 exchange supplemental or amended copies of their Witness Lists and any additional Exhibits
12 by July 6, 2015, with courtesy copies provided to the presiding Administrative Law Judge.

13 IT IS FURTHER ORDERED that the Division's Motion for Leave to File Amended Notice
14 of Opportunity for Hearing is granted.

15 IT IS FURTHER ORDERED that the ER Respondents' April 17, 2015 Motion to Continue
16 Hearing is denied, having been rendered moot by the rescheduled hearing date.

17 IT IS FURTHER ORDERED that the ER Respondents' February 10, 2015 Motion to
18 Compel is denied, having been rendered moot by the ER Respondents and Concordia resolving
19 discovery issues on their own.

20 IT IS FURTHER ORDERED that if the parties reach a resolution of the issues raised in
21 the Notice prior to the hearing, the Division shall file a Motion to Vacate the Proceeding.

22 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
23 Communications) is in effect and shall remain in effect until the Commission's Decision in this
24 matter is final and non-appealable.


25 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
26 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission
27 *pro hac vice*.

28 IT IS FURTHER ORDERED that withdrawal or representation must be made in compliance

with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the Rules of the Arizona Supreme Court). Representation before the Commission includes appearances at all hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled for discussion, unless counsel has previously been granted permission to withdraw by the Administrative Law Judge or the Commission.

IT IS FURTHER ORDERED that the Presiding Administrative Law Judge may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 7TH day of May, 2015.


 MARK PRENY
 ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 7TH day of May, 2015, to:

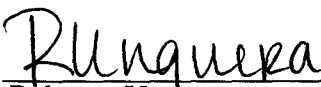
Paul J. Roshka
 Craig Waugh
 POLSINELLI PC
 CityScape
 One East Washington Street, Suite 1200
 Phoenix, AZ 85004
 Attorney for Respondents ER, Lance Michael Bersch,
 David John Wanzek and Linda Wanzek

Alan S. Baskin
 David Wood
 BASKIN RICHARDS PLC
 2901 North Central Avenue, Suite 1150
 Phoenix, AZ 85012
 Attorney for Respondent Concordia

Timothy J. Sabo
 SNELL & WILMER LLP
 One Arizona Center
 400 East Van Buren
 Phoenix, AZ 85004
 Attorney for Respondents ER, Lance Michael Bersch,
 David John Wanzek and Linda Wanzek

Matthew Neubert, Director
 Securities Division
 ARIZONA CORPORATION COMMISSION
 1300 West Washington Street
 Phoenix, AZ 85007

COASH & COASH, INC.
 Court Reporting, Video and
 Videoconferencing
 1802 North 7th Street
 Phoenix, AZ 85006

By: 
 Rebecca Unquera
 Assistant to Mark Preny